

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

FRANK S. D'AGOSTINO,	)	3:12-cv-00065-RCJ-WGC
	)	
Plaintiff,	)	<b><u>MINUTES OF THE COURT</u></b>
vs.	)	
	)	March 7, 2013
LISA WALSH, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

**MINUTE ORDER IN CHAMBERS:**

Before the court is plaintiff's "Motion for Entry of Default Judgment; and Documentary Evidence of Damages Against Defendant Jeffery Wiley" (Doc. # 39). Plaintiff is apparently under the misconception that Defendant Wiley has not made an appearance in this matter. The docket herein reflects that on January 8, 2013, Defendant Wiley filed a Joinder in Defendants' Motion to Dismiss (Doc. # 33), which constitutes Defendant Wiley's appearance herein.<sup>1</sup>

Default judgments are appropriate "only in extreme circumstance and the law favors a decision on the merits whenever possible." *TCI Group Life Ins. Plan v. Knoebber*, 244 F.3d 691, 696 (9th Cir. 2001).

Therefore, Plaintiff's motion (Doc. # 39) is **DENIED**.

**IT IS SO ORDERED.**

LANCE S. WILSON, CLERK

By: /s/  
Deputy Clerk

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<sup>1</sup> The docket also reflects that on January 18, 2013, Plaintiff filed an opposition to the joinder (Doc. # 36). Therefore, Plaintiff is aware of and had notice of Defendant Wiley's appearance herein.